

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO, WESTERN DIVISION**

FEDERAL TRADE COMMISSION, and)
STATE OF OHIO)
Plaintiffs,)
)
v.)
)
PROMEDICA HEALTH SYSTEM, INC.)
Defendant.)

Civ. No.: 3:11-cv-47-DAK
Hon. David A. Katz

[PROPOSED] STIPULATED PRELIMINARY INJUNCTION HEARING SCHEDULE

Having considered the Plaintiffs' and Defendant's Stipulated Preliminary Injunction Hearing Schedule, it is hereby ORDERED that:

1. On January 28, 2011, the Plaintiffs and Defendant shall exchange any additional affidavits or declarations from fact witnesses.
2. On January 31, 2011, the Plaintiffs and Defendant shall exchange any additional or supplemental affidavits or declarations from expert witnesses.
3. On February 1, 2011, the Plaintiffs and Defendant shall: (a) exchange the investigational hearing testimony excerpts they intend to offer as evidence at the preliminary injunction hearing from those fact witnesses whose investigational hearing the FTC conducted during the course of its investigation; and (b) identify each documentary exhibit they intend to offer as evidence at the preliminary injunction hearing, including those the FTC or the State of Ohio obtained from third-parties during the course of their investigations.
4. Prior to the preliminary injunction hearing, the Plaintiffs (together) and Defendant shall each be entitled to depose the other's expert witness(es) and no more than four fact

witnesses, including third-parties. Depositions of expert witnesses shall be limited to seven hours. Depositions of fact witnesses, including Defendant's employees and third-parties, shall be limited to four hours. The party noticing a third-party fact witness deposition shall be entitled to 2.5 hours of deposition time; the other party shall be entitled to 1.5 hours of deposition time. Fact depositions of Defendant's employees shall be four hours, with Plaintiffs allocating the full time between themselves.

5. On February 7, 2011, the parties shall exchange the excerpts they intend to offer at the preliminary injunction hearing from the transcripts of the depositions of the expert and fact witnesses whose depositions were taken pursuant to Paragraph 4 of this Order.

6. At their option, the parties may file supplemental pre-hearing memoranda, not to exceed fifteen pages in length, on February 7, 2011.

7. A two-day preliminary injunction hearing shall be conducted on February 10 and February 11, 2011 at the Paul G. Rogers Federal Building and United States Courthouse, 701 Clematis Street, Room 402, West Palm Beach FL 33401. The parties shall divide the time allocated for the hearing evenly, with the Plaintiffs and then the Defendant presenting argument for up to three hours each on February 10, 2011. On February 11, 2011, each party shall have one and one-half hours of argument, with, in order, Plaintiffs arguing for one hour, Defendant arguing for one and one-half hours, and Plaintiffs arguing for one-half hour.

8. The parties shall file post-hearing memoranda, proposed findings of fact and conclusions of law on February 22, 2011.

Issued this ____ day of January, 2011.

The Honorable David A. Katz
United States District Court Judge

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